



Agenda Date 5/25/00

Agenda Item: IV-A

## **STATE OF NEW JERSEY**

### ***Board of Public Utilities***

**Two Gateway Center  
Newark, NJ 07102**

#### **CABLE TELEVISION**

IN THE MATTER OF THE PETITION OF	)	<b>RENEWAL</b>
COMCAST CABLEVISION OF NEW JERSEY,	)	<b><u>CERTIFICATE OF APPROVAL</u></b>
INC. FOR A RENEWAL CERTIFICATE OF	)	
APPROVAL TO CONTINUE TO OPERATE	)	
AND MAINTAIN A CABLE TELEVISION	)	
SYSTEM IN AND FOR THE BOROUGH	)	
OF FANWOOD, COUNTY OF UNION,	)	
STATE OF NEW JERSEY	)	<b>DOCKET NO. CE00030179</b>

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Borough Clerk, Borough of Fanwood, New Jersey, by Eleanor McGovern, for the Borough.

#### **BY THE BOARD:**

On August 24, 1979, the Board granted Suburban Cablevision ("Suburban") a Certificate of Approval in Docket No. 796C-6479, for the construction, operation and maintenance of a cable television system in the Borough of Fanwood ("Borough"). On December 24, 1991, the Board approved the renewal of Suburban's Certificate of Approval in Docket No. CE90010036. On November 30, 1994, the Board approved the acquisition of the shares of the parent company of Suburban Cablevision, Maclean Hunter, Inc., by Comcast MH Holdings, Inc. in Docket No. CM94080365. The company is now known as Comcast Cablevision of New Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on August 24, 1999, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on or about November 23, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance granting renewal municipal consent to the Petitioner on December 9, 1999. The Petitioner formally accepted the terms and conditions of the ordinance on February 8, 2000, in accordance with N.J.S.A. 48:5A-24.

On March 23, 2000, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Office of Cable Television finds this period to be of reasonable duration.
5. The performance of the Petitioner with regard to the ordinance may be reviewed by the Borough, which shall commence on or about the sixth anniversary of the issuance of this Certificate, and shall be completed no later than six months from that date. The Borough shall provide written notification to the Petitioner and the Board of the commencement and within 30 days after completion of said review. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, it must provide written notice and opportunity to cure to the Petitioner within 90 days. If, after such reasonable notice and opportunity to cure, the Petitioner still has not cured any such findings of non-compliance, the Borough may petition the Board for appropriate administrative action.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office for the purpose of receiving, investigating and resolving complaints. Currently, the local business office serving this provision is located at 800 Rahway Avenue in Union.

9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner has completed an upgrade of the cable television system serving the Borough to 750 MHz, using "fiber to the node" architecture.
12. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels, facilities and support personnel in accordance with its application and the Borough's ordinance.
13. The Petitioner shall continue to provide Borough residents with public access opportunities on the system-wide channel maintained by the Petitioner. The Petitioner shall also continue to provide one system-wide leased or commercial access channel.
14. Within 12 months of the adoption of the ordinance, December 9, 2000, the Petitioner shall provide the Borough with a dedicated full-time municipal government access channel for the sole use of the Borough and its designees for the purpose of televising non-commercial governmental and educational programming. The Petitioner shall also maintain the dedicated fiber optic return lines originating at the Borough municipal building and the Community House.
15. Within 12 months of the receipt of this Certificate, the Petitioner shall provide the Borough a capital contribution in the amount of \$25,000.00 for the purpose of video production equipment or to be otherwise used, as the Borough deems appropriate for cable-related purposes.
16. In addition to the above, the Petitioner maintains studio facilities in Woodbridge Township and Union Township for the creation of local origination and access programming production. The Petitioner shall make its mobile production vehicle available to the Borough for the purpose of producing non-commercial educational, governmental or community programming. The Petitioner shall provide training to users of the vehicle.

17. The Petitioner shall continue to provide total preferred cable service of one outlet, free of charge, to each police, fire, first aid, public library, community center and public safety and emergency management facility in the Borough, provided that the facility is within 200' of active cable distribution plant. The Petitioner shall also continue to provide total preferred cable service of one outlet, free of charge, to each school in the Borough, provided that the school is within 200' of active cable distribution plant. Each additional outlet installed to one of the above facilities shall be paid for by the Borough or school, however, the Petitioner shall waive monthly service charges for additional outlets.
18. The Petitioner shall provide one free basic Internet access service, via high-speed modem, to one non-networked personal computer to each public and private school and library in the Borough. The computer shall be for student or public use and shall not be used for only administrative purposes.
19. Upon reasonable written request of the Borough, the Petitioner shall meet at least once annually at a public hearing of the Borough Council or before the Borough Cable Television Advisory Committee to discuss matters pertaining to the provision of cable service to residents of the Borough and other related issues as the Borough and Petitioner may see fit.

Based upon these findings, the Board HEREBY CONCLUDES pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein, may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on August 24, 2014.

DATED: May 25, 2000

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

HERBERT H. TATE  
PRESIDENT

(signed)

CARMEN J. ARMENTI  
COMMISSIONER

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

ATTEST:

(signed)

EDWARD BESLOW  
ACTING SECRETARY